

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

HOLLIS H. MALIN, JR. and)	
LINDA D. MALIN,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:11-cv-554
)	
JPMORGAN; <i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFFS' MOTION TO AMEND COMPLAINT

Come plaintiffs, through counsel, and move this court to amend their complaint to delete causes of action previously dismissed by this court, to assert a new claim against defendant for computer forgery and seek to interplead monthly payments into the court.

On or about September 14, 2012, and/or October 12, 2012, plaintiffs received a scanned copy of their purported original promissory note.

Subsequently at the beginning of December 2012, plaintiffs discovered the scanned copy of the purported original promissory note had discrepancies.

Also subsequently, plaintiffs hired an expert on computer forgery and obtained an affidavit stating that the promissory note that defendant was espousing was the original promissory note was in fact a computer forgery.

Also, in order to provide the court with an opportunity to dispense equity in this case's final determination, plaintiffs wish to interplead monthly payments into the court as set forth in the original promissory note.

A proposed amended complaint is attached hereto as Exhibit A.

WHEREFORE, plaintiffs move the court to allow plaintiffs to amend their complaint to delete dismissed causes of action, to allege the additional ground that defendant has no standing to foreclose because of computer forgery and to interplead monthly payments into the court.

Respectfully submitted this 22nd day of January, 2013.

/s/ J. Myers Morton BPR# 013357
Attorney for plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been furnished to the following by the Court's electronic system, email, mail addressed as follows:

Michael D. Hornback
Wyatt, Tarrant & Combs, LLP
2525 West End Avenue Suite 1500
Nashville, Tennessee, 37203

This 22nd day of January, 2013.

/s/ J. Myers Morton